

113TH CONGRESS  
2D SESSION

# H. R. 4576

To require the Secretary of Transportation to establish and implement a fatigue management plan, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2014

Ms. DELAURO (for herself, Ms. ESTY, Mr. HIMES, and Mr. SEAN PATRICK MALONEY of New York) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To require the Secretary of Transportation to establish and implement a fatigue management plan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FUNCTIONING ALERTER.**

4 Not later than 30 days after the date of enactment  
5 of this Act, the Secretary of Transportation shall issue  
6 such regulations as are necessary to ensure that all con-  
7 trolling locomotives operated at speeds in excess of 25  
8 mph, regardless of the date on which the locomotive is  
9 placed in service for the first time, are equipped with a

1 functioning alerter as described in paragraphs (b) through  
2 (d) of section 229.140 of title 49, Code of Federal Regula-  
3 tions.

4 **SEC. 2. FATIGUE MANAGEMENT PLAN.**

5 (a) IN GENERAL.—Not later than 60 days after the  
6 date of enactment of this Act, the Secretary of Transpor-  
7 tation shall require all railroad carriers to establish and  
8 implement a fatigue management plan that identifies and  
9 evaluates any fatigue related railroad safety hazards on  
10 its system and determine the degree of risk associated  
11 with each hazard.

12 (b) CONTENTS.—The plan required under subsection  
13 (a) shall—

14 (1) be completed in accordance with the re-  
15 quirements in section 20156(f) of title 49, United  
16 States Code; and

17 (2) include consideration of sleep disorders,  
18 continuing treatment, and management of those  
19 risks in order to reduce fatigue experienced by oper-  
20 ating railroad employees.

21 (c) SUBMISSION.—The plan required under sub-  
22 section (a) shall be submitted to the Secretary for ap-  
23 proval.

24 (d) CONSENSUS.—In preparing the plan required  
25 under subsection (a), each railroad shall use good faith

1 and best efforts in accordance with section 20156(g) of  
2 such title to reach an agreement with affected employees.

3 **SEC. 3. POSITIVE TRAIN CONTROL REPORT.**

4 (a) REPORT.—Not later than 6 months after the date  
5 of enactment of this Act, and biannually thereafter, the  
6 Secretary of Transportation shall require any railroad car-  
7 rier implementing a positive train control system in ac-  
8 cordance with section 20157 of title 49, United States  
9 Code, to submit to the Secretary a report regarding the  
10 status of the progress of the implementation.

11 (b) SUBMISSION TO CONGRESS.—Upon receipt of the  
12 report under subsection (a), the Secretary shall submit the  
13 report to Congress.

14 **SEC. 4. REDUNDANT SIGNAL PROTECTION.**

15 Not later than 180 days after the date of enactment  
16 of this Act, the Secretary of Transportation shall issue  
17 such regulations as are necessary to require that on-track  
18 safety programs, as described in subpart C of part 214  
19 of title 49, Code of Federal Regulations, include requiring  
20 implementation of redundant signal protection, such as  
21 shunting, for maintenance-of-way work crews who depend  
22 on a train dispatcher to provide signal protection.

23 **SEC. 5. HOURS OF SERVICE.**

24 (a) IN GENERAL.—Not later than 180 days after the  
25 date of enactment of this Act, the Secretary of Transpor-

1 tation shall ensure that railroad carriers provide railroad  
2 employees with predictable and defined work and rest  
3 schedules. Predictable work schedules for railroad employ-  
4 ees means either a defined start time or a minimum of  
5 10 hours prior notification before being required to report  
6 to duty.

7 (b) SUPPLEMENTAL REGULATION.—Any require-  
8 ment under subsection (a) shall supplement, and not sup-  
9 plant, the requirements of section 21103 of title 49,  
10 United States Code.

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